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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/504,965	02/16/2000	Xiaoan Hou	5244-0107-2	6712
22850	7590	09/03/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			POKRZYWA, JOSEPH R	
		ART UNIT	PAPER NUMBER	
		2622		
DATE MAILED: 09/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

9

Office Action Summary	Application No.	Applicant(s)	
	09/504,965	HOU ET AL.	
Examiner	Art Unit		
Joseph R. Pokrzywa	2622		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 May 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 14 May 2004 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. ____ .
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5 and 6. 5) Notice of Informal Patent Application (PTO-152)
6) Other:

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 5/14/04, and has been entered and made of record. Currently, **claims 1-22** are pending.

Response to Arguments

2. Applicant's arguments, see pages 9-11, filed 5/14/04, with respect to the rejection(s) of now amended claims 1-22, which were previously rejected under 25 U.S.C. 102(b) as being anticipated by Irribarren (U.S. Patent Number 5,737,395), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Barker *et al.* (U.S. Patent Number 6,577,409) and Kanoh *et al.* (U.S. Patent Number 5,873,077).

Information Disclosure Statement

3. The references listed in the Information Disclosure Statements submitted on 2/11/04 and 3/12/04 have been considered by the examiner (see attached PTO-1449's).

Drawings

4. The drawings were received on 5/14/04. These drawings are acceptable by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 3, 5-8, 10-13, 15-18, and 20-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Barker *et al.* (U.S. Patent Number 6,577,409).

Regarding *claim 1*, Barker discloses a network fax machine (see Figs. 1 and 2) for faxing files received from a remote client (column 3, line 13 through column 4, line 41), comprising a server unit (computer 14) configured to send a fax document form to a remote client (device 12) and configured to receive fax information entered on the fax document form from the remote client (column 9, line 59 through column 10, line 63), the fax information including an identifier corresponding to a destination fax machine (see Fig. 3, column 5, lines 36 through 51) and a file to be faxed to the destination fax machine (column 10, lines 30 through 56), and a fax control unit configured to use the identifier to connect the network fax machine to the destination fax machine and configured to send the file to the destination fax machine by facsimile communication (step 178, column 11, lines 16 through 39).

Regarding *claim 3*, Barker discloses the fax machine discussed above in claim 1, and further teaches of a network adapter (peripheral interface circuitry 50), the network adapter including the server unit (column 3, line 49 through column 4, line 57).

Regarding *claim 5*, Barker discloses the fax machine discussed above in claim 1, and further teaches that the fax control unit is configured to connect to a public switched telephone network (column 3, lines 47 through 55) and is configured to send the file to the destination fax machine via the public switched telephone network (column 10, line 30 through column 11, line 39).

Regarding *claim 6*, Barker discloses the fax machine discussed above in claim 1, and further teaches of a common gateway interface configured to read and parse the fax information received by the server unit (column 10, line 30 through column 11, line 39).

Regarding *claim 7*, Barker discloses the fax machine discussed above in claim 6, and further teaches of a fax job manager configured to convert the file to be faxed into a facsimile format (column 5, line 64 through column 6, line 5, and column 10, line 30 through column 11, line 39).

Regarding *claim 8*, Barker discloses a method for faxing files received from a remote client (see Figs. 1, 2, and 11), comprising sending a fax document form to a remote client (device 12), receiving fax information entered on the fax document form from the remote client (column 9, line 59 through column 10, line 63), the fax information including an identifier corresponding to a destination fax machine (see Fig. 3, column 5, lines 36 through 51) and a file to be faxed to the destination fax machine (column 10, lines 30 through 56), connecting the network fax machine to the destination fax machine using the identifier (step 176, column 11, lines 16 through 39), and sending the file to the destination fax machine by facsimile communication (step 178, column 11, lines 16 through 39).

Regarding *claim 10*, Barker discloses the method discussed above in claim 8, and further teaches that the step of connecting comprises connecting to a public switched telephone network (column 3, lines 47 through 55), and wherein the step of sending comprises sending the file to the destination fax machine via the public switched telephone network (column 10, line 30 through column 11, line 39).

Regarding *claim 11*, Barker discloses the method discussed above in claim 8, and further teaches of the step of reading and parsing the fax information received from the remote client (column 10, line 30 through column 11, line 39).

Regarding *claim 12*, Barker discloses the method discussed above in claim 11, and further teaches of the step of converting the file to be faxed into a facsimile format (column 5, line 64 through column 6, line 5, and column 10, line 30 through column 11, line 39).

Regarding *claim 13*, Barker discloses a network fax machine (see Figs. 1 and 2) for faxing files received from a remote client (column 3, line 13 through column 4, line 41), comprising means for sending a fax document form to a remote client (device 12), means for receiving fax information entered on the fax document form from the remote client (column 9, line 59 through column 10, line 63), the fax information including an identifier corresponding to a destination fax machine (see Fig. 3, column 5, lines 36 through 51) and a file to be faxed to the destination fax machine (column 10, lines 30 through 56), and means for connecting the network fax machine to the destination fax machine using the identifier (step 176, column 11, lines 16 through 39), and means for sending the file to the destination fax machine by facsimile communication (step 178, column 11, lines 16 through 39).

Regarding *claim 15*, Barker discloses the fax machine discussed above in claim 13, and further teaches that means for connecting the network fax machine to the destination fax machine comprises means for connecting the network fax machine to a public switched telephone network (column 3, lines 47 through 55), and wherein the means for sending the file to the destination fax machine by facsimile communication comprises means for sending the file to the destination fax machine via the public switched telephone network (column 10, line 30 through column 11, line 39).

Regarding *claim 16*, Barker discloses the fax machine discussed above in claim 13, and further teaches of means for reading and parsing the fax information received by the means for receiving (column 10, line 30 through column 11, line 39).

Regarding *claim 17*, Barker discloses the fax machine discussed above in claim 16, and further teaches of means for converting the file to be faxed into a facsimile format (column 5, line 64 through column 6, line 5, and column 10, line 30 through column 11, line 39).

Regarding *claim 18*, Barker discloses a computer readable medium containing program instructions for execution on a computer system, which when executed by a computer, cause the computer to perform method steps for faxing files received from a remote client (see Figs. 1, 2, and 11), with the method comprising the steps of sending a fax document form to a remote client (device 12), receiving fax information entered on the fax document form from the remote client (column 9, line 59 through column 10, line 63), the fax information including an identifier corresponding to a destination fax machine (see Fig. 3, column 5, lines 36 through 51) and a file to be faxed to the destination fax machine (column 10, lines 30 through 56), connecting the network fax

machine to the destination fax machine using the identifier (step 176, column 11, lines 16 through 39), and sending the file to the destination fax machine by facsimile communication (step 178, column 11, lines 16 through 39).

Regarding *claim 20*, Barker discloses the medium discussed above in claim 18, and further teaches that the step of connecting comprises connecting to a public switched telephone network (column 3, lines 47 through 55), and wherein the step of sending comprises sending the file to the destination fax machine via the public switched telephone network (column 10, line 30 through column 11, line 39).

Regarding *claim 21*, Barker discloses the medium discussed above in claim 18, and further teaches of program instructions for causing the computer to perform the step of reading and parsing the fax information received from the remote client (column 10, line 30 through column 11, line 39).

Regarding *claim 22*, Barker discloses the medium discussed above in claim 21, and further teaches of program instructions for causing the computer to perform the step of converting the file to be faxed into a facsimile format (column 5, line 64 through column 6, line 5, and column 10, line 30 through column 11, line 39).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 2, 4, 9, 14, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al. (U.S. Patent Number 6,577,409) in view of Kanoh *et al.* (U.S. Patent Number 5,873,077).

Regarding **claims 2, 9, 14, and 19**, Barker discloses the fax machines, method, and computer readable medium discussed above in claims 1, 13, 8, and 18, respectively, but fails to expressly disclose if the server unit comprises a hypertext transfer protocol server configured to serve a hypertext markup language document to the remote client, with the hypertext markup language document including the fax document form.

Kanoh discloses a network fax machine for faxing files received from a remote client (see Figs. 1, and 2A-2D), comprising a server unit (gateway 102) configured to send a fax document form to a remote client (fax machine 101, see step 202 in Fig. 2) and configured to receive fax information entered on the fax document form from the remote client (see step 204 in Fig. 2), the fax information including an identifier corresponding to a destination fax machine and a file to be faxed to the destination fax machine (column 13, lines 11 through 35).

Further, Kanoh teaches that the server unit comprises a hypertext transfer protocol server configured to serve a hypertext markup language document to the remote client (column 5, line 27 through column 6, line 48), the hypertext markup language document

including the fax document form (column 8, lines 34 through 64, and column 10, lines 33 through 65).

Barker & Kanoh are combinable because they are from the same field of endeavor, being systems that communicate data using information and instructions that are written and faxed on a data sheet.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the HTTP server taught by Kanoh in the system of Barker.

The suggestion/motivation for doing so would have been that Barker's system would become usable and available to more users who desire to communicate information through the Internet using facsimile machines, as recognized by Kanoh in column 2, lines 8 through 38.

Therefore, it would have been obvious to combine the teachings of Kanoh with the system of Barker to obtain the invention as specified in claims 2, 9, 14, and 19.

Regarding *claim 4*, Barker and Kanoh disclose the fax machine discussed above in claim 2, and Barker further teaches that the network adapter comprises a network interface card (peripheral interface circuitry 50, column 3, line 49 through column 4, line 57).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph R. Pokrzywa
Examiner
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